

(SRI R. CHENNIGARAMIAH)

India the City of Bangalore Municipal Corporation (Amendment) Ordinance, 1956, (Mysore Ordinance 1 of 1956).

Mysore Legislature Salaries Ordinance, 1956

Sri M. V. RAMA RAO (Minister for Home Affairs and Law).—Sir, I lay on the Table as required under article 213 (2) of the Constitution of India the Mysore Legislature Salaries Ordinance, 1956, (Mysore Ordinance 3 of 1956).

Notifications under Mysore Cinematograph Shows Tax-Act, 1951; Mysore Motor Vehicles Taxation and Tolls Act 1951; Motor Vehicles Act, 1939.

Sri M. V. RAMA RAO (Minister for Home Affairs and Law).—Sir, I lay on the table copies of Notifications dated 25th August, 26th September 1956, under the Mysore Cinematograph Shows Tax Act, 1951, Notifications dated 22nd October, 19th October 1956, under the Mysore Motor Vehicles Taxation and Tolls Act, 1951 and Notifications dated 17th October, 17th November and 19th November 1956, under the Motor Vehicles Act, 1939, (Central Act IV of 1939).

Notifications under Mysore Sales Tax Act, 1948 and Mysore Agricultural Income-Tax Act, 1956.

Sri M. P. PATIL (Minister for Revenue).—Sir, I lay on the Table the Notification dated 20th November 1956, under the Mysore Sales Tax Act, 1948 and Notification dated 23rd October 1956, under the Mysore Agricultural Income-tax Act, 1956.

LEADER OF THE HOUSE

(Validity of Appointment).

Sri Mulka GOVINDA REDDY (Chitaldrug).—Mr. Speaker, I have got a point of order before the Leader of the

House moved the motion. Sri Nijalingappa, the Leader of the House and the Chief Minister is not a member of this House. I am aware that under the Constitution any person can hold the office of Minister provided he becomes a member of the Legislature within a period of six months. That in effect means, a Minister who is not a member of this House should get himself elected within a period of six months. That period relates to the time when he was appointed as a Minister. It would be deemed that he has been elected as a member of the Legislature from the day on which he was appointed as a Minister. Now, Sri Nijalingappa has been appointed as the Chief Minister of the State of Mysore from 1st November 1956. From 1st November 1956 within a period of six months the present Assembly is going to be dissolved. Further, the Election Commission has stated that no by-election should be held within this period as general elections are going to take place very soon. It is now quite clear, Sir, that, as contemplated under the Constitution, Sri Nijalingappa is not going to be elected as a member of the Legislature as there is not going to be any by-election within this period of six months. The provision under the Constitution is one which is resorted to under rare and extraordinary circumstances. But, in this case, knowing full well that by-elections are not going to be held before the expiry of the term of the present Legislature, he has been appointed as the Chief Minister. Though not literally so, if you take the spirit of the Constitution, it is unconstitutional and illegal.

Mr. SPEAKER.—I am sorry, I cannot uphold the point of order. I am concerned with the position under the Constitution of India. Any person who belongs to the majority party in power, even though he is not a member of the House, can be elected as the Leader of the House and by virtue of being elected as Leader of the House, he can act as the Chief Minister of the State. That being so, merely because the Election Commission has said such and such a thing, I cannot take into consideration these facts. After all,

I have to look to the provision of the Constitution of India and I find that the position is perfectly right and the Hon'ble Leader of the House, Sri Nijalingappa, is perfectly entitled to take part in this House. The only difference is that he cannot vote in this House.

COMMITTEE OF PRIVILEGES

Motion for election

Sri S. NIJALINGAPPA (Chief Minister).—Sir, I beg to move:

“That this Assembly do now proceed to election of four members to the Committee of Privileges in accordance with sub-rule (2) of rule 171 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly.”

Mr. SPEAKER.—Motion moved:

“That this Assembly do now proceed to the election of four members to the Committee of Privileges in accordance with sub-rule (2) of rule 171 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly.”

Sri J. MOHAMED IMAM (Jagalur).—Sir, we have hardly three months more and I am afraid that most of us will be busy with the elections. So, I am wondering whether it will be worthwhile to elect new members both to the Estimates Committee as well as to the Public Accounts Committee. Even if we elect the members now, I am afraid they will not be able to do justice to their work. So, I submit that it is not worthwhile to elect new members not only to the Estimates Committee but also to the Public Accounts Committee in view of the fact that there are only three months more. Perhaps, we will not be able to meet at all.

Mr. SPEAKER.—I want to inform the Hon'ble the Leader of the Opposition that we are not going to close early as we are expected to. The life of this Assembly is up to 17th June 1957. That is what I learnt.

Sri J. MOHAMED IMAM.—If there is work and if the Government is prepared to entrust them with sufficient work, then I withdraw my objection. I thought the Committee might not function at all.

Sri S. NIJALINGAPPA.—It will function.

Mr. SPEAKER.—The question is:

“That this Assembly do now proceed to the election of four members to the Committee of Privileges in accordance with sub-rule (2) of rule 171 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly.”

The motion was adopted.

Programme of Election

Mr. SPEAKER.—I will announce the programme of election. For the purpose of election to the Committee of Privileges, the Secretary will receive nominations up to 3 p.m. on Friday, the 21st December 1956 and, if election is necessary, it will take place on Monday, the 24th December 1956 in the Committee Room between the hours of 3 p.m. and 5 p.m. The election will be conducted as laid down in sub-rule (2) of rule 171 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly in accordance with the principle of proportional representation by means of a single transferable vote.

HOUSE COMMITTEE

Motion for election

Sri S. NIJALINGAPPA.—Sir, I beg to move:

“That this Assembly do now proceed to the election of six members to the House Committee in accordance with sub-rule (2) of rule 175 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly.”

Mr. SPEAKER.—The question is:

“That this Assembly do now proceed to the election of six